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**BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND**  
**Resolution No. 2007-01-01**

Adopting rules related to the administration of the Fund as described herein.

WHEREAS, the Indiana State Teachers' Retirement Fund exists to provide retirement benefits to its members, their survivors, and beneficiaries;

WHEREAS, the Board of Trustees of the Indiana State Teachers' Retirement Fund, by statute, administers the Fund;

WHEREAS, the Board of Trustees, pursuant to [IC 5-10.4-3-8](#), may establish and amend rules and regulations for the administration of the Fund without adopting a rule under Indiana Code 4-22-2; and

WHEREAS, the Board of Trustees of the Teachers' Retirement Fund wishes to adopt and amend rules contained in the Indiana Administrative Code related to the administration of the Fund as described herein;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Teachers' Retirement Fund that:

SECTION 1. [550 IAC 2-1-2.2](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-1-2.2](#) "Classroom disability" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.4-5-1](#)

**Sec. 2.2. "Classroom disability" refers to a medically confirmed inability to continue classroom teaching due to a mental or physical condition that is not necessarily of sufficient severity to meet Social Security disability guidelines.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-2.2](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 2. [550 IAC 2-1-2.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-1-2.4](#) "Covered position" or "covered employment" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-2-1](#); [IC 5-10.2-3-6](#); [IC 5-10.4-4-1](#)

**Sec. 2.4. "Covered position" or "covered employment" means a position or employment covered by either the Indiana state teachers' retirement fund or the public employees' retirement fund.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-2.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 3. [550 IAC 2-1-2.8](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-1-2.8](#) "Earns" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-8](#)

**Sec. 2.8. "Earns" means:**

- (1) income;**
- (2) salary;**
- (3) money;**
- (4) wages; or**

**(5) fees;**  
**accrued for the performance of services whether or not the remuneration has been paid.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-2.8](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 4. [550 IAC 2-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-1-3](#) "Employer" or "employing unit" defined**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-3](#); [IC 5-10.4-4-1](#); [IC 5-10.4-4-11](#); [IC 20-24-1-4](#)

Sec. 3. "Employer" or "employing unit" refers to public school districts, **including charter schools as defined by [IC 20-24-1-4](#)**, the state of Indiana, Ball State University, Indiana State University, University of Southern Indiana, and Vincennes University.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-3](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 703; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 5. [550 IAC 2-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-1-4](#) "Employer contribution or share" defined**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-2-6](#); [IC 5-10.4-4-4](#)

Sec. 4. "Employer contribution or share" refers to contributions, **exclusive of the annuity savings account**, made to the Indiana state teachers' retirement fund by ~~the state, covered higher education units, and public school districts for those members receiving federal monies. In some instances, members claiming out of state service may be required to pay the employer's share for those years.~~ **employers to provide funding for the defined benefit portion of the member's pension benefit.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-4](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 703; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 6. [550 IAC 2-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-1-5](#) "In service" or "active service" defined**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-3-1](#); [IC 5-10.2-3-7.5](#); [IC 5-10.4-4-1](#); [IC 5-10.4-4-7](#)

Sec. 5. "In service" or **"active service"** refers to active teaching **or employment** in any of the positions covered in ~~[IC 21-6.1-4-1](#), [IC 5-10.4-4-1](#)~~, approved leave from active service while still under contract, **employed**, or while receiving state disability benefits.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-5](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 703; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 7. [550 IAC 2-1-5.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-1-5.4](#) "Interest credits" defined**

**Authority:** [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-2-3](#); [IC 5-10.2-2-4](#); [IC 5-10.2-3-6](#)

**Sec. 5.4. "Interest credits" means the amount of money that is attributed to amounts invested in the guaranteed program pursuant to the interest credit rate set by the board.**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-5.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 8. [550 IAC 2-1-6.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-1-6.4](#) "PERF" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2](#); [IC 5-10.4](#)

**Sec. 6.4. "PERF" refers to the Indiana public employees' retirement fund.**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-6.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 9. [550 IAC 2-1-10](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-1-10](#) "Regularly employed" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.4-4-1](#)

**Sec. 10. "Regularly employed" refers to employment with covered public schools, institutions, or the state employers, as a teacher or substitute teacher. person described in [IC 5-10.4-4-1](#).**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-10](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 704; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 10. [550 IAC 2-1-13](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-1-13](#) "Teacher" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-3](#); [IC 5-10.4-4-1](#)

**Sec. 13. "Teacher" refers to teachers, principals, superintendents, those enumerated in [IC 5-10.4-4-1](#) as members of the Fund, or supervisory personnel who are licensed by the Indiana state board of education and regularly employed in public schools or institutions and faculty and professional staff employed at by covered universities. "Teacher" employers. The term does not include:**

- (1) dormitory staff;
- (2) grounds or facility management personnel;
- (3) secretarial staff;
- (4) occupational therapists;
- (5) physical therapists;
- (6) counselors; or
- (7) other similar positions;

**whereby the employee is not licensed by the state board of education as a teacher.** The board shall have the final determination on whether a position is within the meaning of the term.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-13](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 704; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007:

SECTION 11. [550 IAC 2-1-13.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-1-13.4](#) "TRF" defined**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2](#); [IC 5-10.4](#)

**Sec. 13.4. "TRF" refers to the Indiana state teachers' retirement fund.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-1-13.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 12. [550 IAC 2-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-1](#) Withholding of benefit payment**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4](#)

Sec. 1. Benefit payments may be withheld under any of the following circumstances:

(1) Order of the board.

**(2) To offset the overpayment of benefits to a member or beneficiary until the overpayment is repaid to the fund.**

~~(2)~~ **(3)** Pending investigation after three (3) consecutive monthly benefit checks have been returned by the United States Postal Service as undeliverable.

~~(3)~~ **(4)** After verification **notification** of a member's death.

~~(4)~~ **(5)** Pursuant to court order.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-1](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 704; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 13. [550 IAC 2-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-2](#) Bank accounts**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-2-14](#); [IC 5-10.4-5-14](#)

Sec. 2. Neither the member nor the member's **authorized** agent may instruct the fund to directly deposit benefit payments to a trust or to a bank account that does not permit the member **or the member's authorized agent** access to the funds so held.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-2](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 704; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 14. [550 IAC 2-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-3](#) Benefit payments pending appeal**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4](#); [IC 5-10.4-5-9](#); [IC 34-13-1-6](#)

Sec. 3. **(a)** A member who elects to exercise the right to appeal an adverse decision issued by the board may receive benefit payments less the disputed amount while the matter is pending. Should the matter be resolved in the member's favor, future benefits will be adjusted accordingly and a lump sum payment for past benefits due shall be issued within sixty (60) days. If, however, the necessary information has not been provided or was delayed, the sixty (60) day period will be extended accordingly.

**(b) Whenever, by final decree or judgment, a sum of money is adjudged to be due to a person, the judgment shall draw an annual rate of interest as described in [IC 34-13-1-6](#). The fund shall not pay prejudgment interest.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-3](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 704; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 15. [550 IAC 2-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-4](#) Estimate of future benefits**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-4](#); [IC 5-10.4-5-9](#)

Sec. 4. (a) The fund shall provide written estimates of future retirement benefits to a member ~~only if~~ **upon request by** the member ~~has completed an estimate information form and returned it to fund offices or is physically present in the fund office.~~ **in a manner prescribed by the board.**

(b) The calculation is only an estimate, and a final calculation will be rendered upon a vested member's retirement from service or death, whichever is earlier.

~~(c) The fund shall not provide an estimate more than two (2) years into the future unless the request is from a vested inactive member who has not effected a withdrawal of contributions and interest.~~

~~(d)~~ **(c)** Estimates are provided as a courtesy, and the fund accepts no liability in the event of error.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-4](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 705; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 16. [550 IAC 2-2-5](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-5](#) Investment plans and reemployment**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-2-4](#); [IC 5-10.2-3-5](#); [IC 5-10.2-3-6](#); [IC 5-10.4-5-13](#)

Sec. 5. A member who retires **or separates from service** after having elected an alternative investment plan shall remain in that plan if the member becomes reemployed **until such time a member elects a different investment plan.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-5](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 705; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 17. [550 IAC 2-2-6](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-6](#) Interest credited to annuity savings and rollover accounts**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-2-4](#); [IC 5-10.2-3-10](#); [IC 5-10.4-4-13](#)

Sec. 6. (a) ~~Interest at a rate set by the board shall be credited~~ **Contributions** to the guaranteed annuity savings account during the period of the member's active service and for an additional ten (10) years following suspension of membership. **received by the fund that have not been allocated by the member will be credited to the guaranteed fund.**

(b) ~~No interest~~ **Contributions to a rollover account established under [IC 5-10.2-3-10](#) that have not been allocated by the member** shall be credited to member accounts during the first fiscal year of membership. Subsequently, interest shall be credited as of June 30 of each year of service. **money market fund.**

(c) ~~Interest credit shall not exceed that amount permitted by law.~~

(d) ~~Neither interest nor earnings shall be credited after a member retires.~~

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-6](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 705; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 18. [550 IAC 2-2-7](#) IS AMENDED TO READ AS FOLLOWS:

#### **[550 IAC 2-2-7](#) Definition of compensation**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-4-3](#); [IC 5-10.4-5-6](#)

Sec. 7. (a) "Basic salary" or "**annual compensation**" means the monetary compensation agreed to in advance in writing that is earned by and paid to a teacher for services rendered under a uniform or supplemental contract ~~for a school year running from July 1 through June 30~~ plus the amounts stated in [IC 5-10.2-4-3](#) that are not paid directly to the member.

(b) Annual compensation does not include any of the following:

(1) Those amounts excluded under [IC 5-10.2-4-3](#).

(2) A one (1) time payment, or lump sum payment, by the employer ~~which~~ **that** is not made for services actually rendered or based upon the member's standard rate of pay.

(3) Back pay awards or settlements arising out of an employment grievance proceeding, except that back pay may be allocated among the years in which the service was rendered.

(4) Payments by the employer for accrued but unused compensatory time for overtime worked.

(5) Meals, lodging, life insurance, or other fringe benefits provided by the employer unless they fall within [IC 5-10.2-4-3\(c\)\(2\) \[sic\]](#).

(6) Payments by the employer for accrued but unused holiday, sick, and personal time, even when paid as part of a bargained agreement on a yearly or terminal basis.

(7) Payments for dues for professional or other organizations.

(8) Payments made as bonuses or awards for attendance, incentives, or performance unless such payments are available to all covered members employed by the employing unit.

(9) Payments in lieu of insurance coverage to members who do not participate in employer provided health insurance plans or other fringe benefits provided by the employer, **except payments made pursuant to a bona fide Section 125 cafeteria plan, as defined in Section 125 of the Internal Revenue Code.**

(10) Reimbursements for expenditures made by the member.

(11) Payments by the employer for accrued but unused vacation time, even when paid as part of a bargained agreement on a yearly or terminal basis, except for annual amounts paid to a member:

(A) employed in a state institution with an instructional calendar of less than one hundred ninety-five (195) days;

(B) pursuant to the state department of personnel's teacher salary policy; and

(C) who retired after May 1, 2001.

~~These~~**The items listed in this subsection** do not constitute an exhaustive list.

(c) A member's basic salary ~~and or~~ annual compensation must be certified by an official of the employing unit who has knowledge of and access to the records. A member may not certify his or her basic salary ~~and or~~ annual compensation.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-7](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 705; filed Jul 26, 2000, 2:48 p.m.: 23 IR 3089; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; filed Apr 8, 2004, 3:23 p.m.: 27 IR 2496; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 19. [550 IAC 2-2-8](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-8](#) Jury duty**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-4-3](#)

Sec. 8. Payments to members arising out of jury duty may be included as compensation. The payments shall be handled in ~~the~~ either of the following ways:

- (1) The employing unit may pay the teacher the difference between the jury duty pay and the teacher's basic salary.
- (2) The teacher may turn over jury duty pay to the employing unit, and the employing unit will then pay the teacher the full basic salary.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-8](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 705; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 20. [550 IAC 2-2-9](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-9](#) Worker's compensation and sick leave**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-4-3](#)

Sec. 9. **(a) Unless otherwise provided in law and subject to subsections (b) through (d), creditable service shall be earned by a member injured during the scope of his or her employment and paid benefits under the Workmen's Compensation Act or the State Personnel Act; however, no service credit shall be given for a period of time during which TRF or PERF disability benefits were paid.**

~~(a)~~ **(b)** The combination of worker's compensation and sick leave payments made by the employing unit may not exceed the member's basic salary.

~~(b)~~ **(c)** The member must pay to the fund the statutory contributions out of the amounts received pursuant to worker's compensation.

~~(c)~~ **(d)** The employing unit must provide written verification of the facts surrounding the payment of worker's compensation benefits and the amount of the member's basic salary.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-9](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 21. [550 IAC 2-2-10](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-2-10](#) Overpayment of benefits**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.4-3-8](#)



Sec. 10. If a member, survivor, or beneficiary receives an overpayment of retirement benefits due to an administrative error, failure to inform the fund of reemployment, or any other reason, the **member, survivor, or beneficiary has an obligation to repay the erroneous payments must be returned** to the fund.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-2-10](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 22. [550 IAC 2-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-3-1](#) Suspension of membership; withdrawal of contributions**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6](#); [IC 5-10.4-4-13](#)

Sec. 1. No withdrawal of the member's contributions shall be made when the member is currently under a contract to serve in a covered position, **while in active service**, or on an approved leave of absence from such a position. A withdrawal may proceed only after the member's employing unit has verified that the member is no longer employed and advised the fund of the termination date. School verification is not required whenever more than ~~three (3) years lapse~~ **one (1) year lapses** from the date of the member's departure from covered employment.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-3-1](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 23. [550 IAC 2-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-3-2](#) Membership following the withdrawal of contributions**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6](#); [IC 5-10.4-4-13](#)

Sec. 2. (a) A member is not entitled to receive benefits after membership is suspended and the amount held in the annuity savings account withdrawn unless the member returns to covered employment in Indiana and ~~teaches~~ **remains employed** for at least one (1) year.

(b) ~~Whenever~~ **Should the fund become aware that** a member ~~becomes~~ **has** reemployed in a covered position within thirty (30) days after having requested the withdrawal of the annuity savings account, the effective date of the suspension shall automatically be deferred and the member will not be permitted to execute a **if no withdrawal distribution has been made, the fund will not make the withdrawal distribution**. The member shall notify the fund immediately upon accepting such employment.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-3-2](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 24. [550 IAC 2-3-3](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-3-3](#) Reinstatement of creditable service after suspension of membership**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6](#); [IC 5-10.4-4-13](#)

Sec. 3. A ~~teacher~~ **member** who returns to active service after suspension of membership shall receive credit for prior service when the ~~teacher~~ **member** is reemployed in a covered position for at least one (1) year.



(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-3-3](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 25. [550 IAC 2-3-4](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-3-4](#) Repayment after withdrawal**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-3-5](#); [IC 5-10.4-4-13](#)

Sec. 4. A member who has withdrawn the assets held in an annuity savings account shall not be permitted to repay the assets in order to establish eligibility for a benefit. ~~or for any other reason.~~

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-3-4](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 26. [550 IAC 2-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-4-1](#) Membership in the fund**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-3-2](#); [IC 5-10.4-4-1](#); [IC 5-10.4-4-11](#)

Sec. 1. (a) Membership in the fund shall be compulsory for all teachers licensed by the Indiana state board of education or its successor who are regularly employed pursuant to a uniform or supplemental teaching contract to perform educational or administrative services in the public schools of the state of Indiana. **Licensed substitute teachers who have at least an associate's degree and who have taught at least one hundred twenty (120) days in any one (1) school year, or at least sixty (60) days in any two (2) school years** are also required to become members of the fund. ~~regardless of whether they are employed under a certified contract.~~ Statutory contributions must be paid to the fund for each covered teacher.

(b) Membership in the fund is compulsory for **employees of the fund, and** all licensed teachers regularly employed in state educational institutions supported solely by the state who devote their entire time to teaching or in state benevolent, charitable, or correctional institutions. Both employer and employee contributions must be paid to the fund.

(c) Membership is optional for regularly contracted faculty and professional staff at Ball State University, Indiana State University, University of Southern Indiana, and Vincennes University who are designated as eligible by the board. The universities shall petition the board before new teachers are given the opportunity to join the fund. Both employer and employee contributions must be paid to the fund.

(d) Membership in the fund is optional for employees and officials of a governing body, **and** the Indiana state board of education ~~and the fund~~ who were licensed by the Indiana state board of education prior to their election or appointment. Appropriate contributions must be made to the fund.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-4-1](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 27. [550 IAC 2-4-1.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-4-1.4](#) Teacher aides and higher education graduate assistants**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.4-4-2](#)

**Sec. 1.4. Teacher aides and higher education graduate assistants are not eligible for membership in the fund.**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-4-1.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 28. [550 IAC 2-4-5](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-4-5](#) Member designation of beneficiaries**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-3-10](#); [IC 5-10.4-4-10](#)

Sec. 5. (a) A new member shall designate, by name, primary and secondary beneficiaries to receive the assets present in the annuity savings account on the occasion of the member's death prior to retirement, less any disability benefits paid.

(b) A member **who establishes a rollover account pursuant to [IC 5-10.2-3-10](#)** ~~may name more than one (1) individual as primary~~ **designate a beneficiary** or secondary beneficiaries **of separate from those designated on the member's annuity savings account** ~~Upon the member's death, the assets held in the account shall be divided equally among the surviving primary beneficiaries or, if none, among the surviving secondary beneficiaries.~~ **under the requirements as stated herein.**

(c) A member ~~may name a trust, the member's estate, or other legal entity as the beneficiary~~ **more than one (1) individual as primary or secondary beneficiaries** of the member's annuity savings account **or rollover account. Upon the member's death, the assets held in the account shall be divided equally among the surviving primary beneficiaries or, if none, among the surviving secondary beneficiaries. Alternative beneficiary designations, such as per stirpes or by representation, will not be accepted or recognized by the fund.**

(d) A member ~~may change name a trust, the member's beneficiary on a form provided by the fund at any time; estate, or other legal entity as the beneficiary of the member's annuity savings account or rollover account.~~

(e) A member may change his or her beneficiary designation in a manner and form approved by the board. Only beneficiary designations received by the fund or in the case when it was postmarked on or before the date of death shall be valid. The designated beneficiary's right to a benefit vests on the date of death of the member.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-4-5](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 707; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 29. [550 IAC 2-5-5](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-5-5](#) Credit for military service**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.4-4-8](#)

Sec. 5. (a) For purposes of ~~[IC 21-6-1-4-6.1\(c\)](#)~~, [IC 5-10.4-4-8](#), there is no time frame within which a member who returned to an approved four (4) year teacher training program within the time specified by law must complete the program.

(b) A member seeking military service credit must provide documentary evidence demonstrating that the

statutory requirements have been satisfied.

**(c) Qualifying military service credit will be added to a member's account in full years or any fraction thereof. A member may not receive more than one (1) year of service credit for one (1) year of military service.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-5-5](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 708; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 30. [550 IAC 2-5-6](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-5-6](#) Leave of absence due to pregnancy**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 20-28-10-5](#); [IC 5-10.4-4-7](#)

Sec. 6. (a) A member shall be given credit for leaves of absence due to pregnancy only when leave is requested pursuant to the requirements found in [IC 20-6-1-6-4](#); [IC 20-28-10-5](#). Credit is limited to one-seventh (1/7) of the total years of service claimed for retirement purposes.

(b) If the member is compensated while on leave, the statutory contributions must be maintained.

(c) No credit for pregnancy leave may be granted prior to April 4, 1975.

(d) **A member seeking credit for leave of absence due to pregnancy leave must be verified by the employing unit on a form provided by the fund. provide documentary evidence demonstrating that the statutory requirements have been satisfied.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-5-6](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 708; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 31. [550 IAC 2-5-10.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-5-10.4](#) Purchase of service credit**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-3-1.2](#); [IC 5-10.2-4-10](#); [IC 5-10.4-4](#)

**Sec. 10.4. (a) A member who is otherwise qualified to purchase service credit must do so while the member is in active service whereby the member is under contract or in an employment relationship to earn one (1) year of service credit during the year in which the application to purchase service credit is made. A retiring member who makes application for the purchase of service credit contemporaneously with the member's application for retirement following one (1) full year of service is deemed to have met this requirement.**

**(b) Except as provided in subsection (c), no additional purchase of service credit can be made once a member's application for retirement has been processed and a retirement benefit is scheduled to be distributed.**

**(c) Otherwise qualified reemployed retiree members may purchase service credit as provided by law, and such purchase of service credit shall be used in the determination of the member's supplemental retirement benefit as described in [IC 5-10.2-4-10](#).**

(d) A qualified member may only purchase service credit in increments of one-twelfth (1/12) of a year.

(e) A member seeking to purchase service credit must provide documentary evidence that the statutory requirements and the requirements stated herein have been satisfied.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-5-10.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 32. [550 IAC 2-5-12](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-5-12](#) Payment of contributions**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-2](#); [IC 5-10.4-4-11](#)

Sec. 12. Contributions shall be paid either wholly by the member or wholly by the employer.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-5-12](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 709; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 33. [550 IAC 2-6-2](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-6-2](#) Death in service; classroom disability benefits**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-7.5](#); [IC 5-10.2-3-8](#); [IC 5-10.4-5](#)

Sec. 2. Whenever a member dies after or while receiving regular **classroom** disability benefits and before applying for retirement or disability retirement, the amount held in the annuity savings account shall be reduced by the sum of benefits paid. ~~When the annuity savings account assets are insufficient, the pension portion of any survivor benefit will be actuarially reduced.~~ The remainder, if any, shall be paid to a designated beneficiary or the member's estate.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-6-2](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 709; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 34. [550 IAC 2-6-4](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-6-4](#) Death in service; surviving dependents**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-7.5](#); [IC 5-10.2-3-8](#); [IC 5-10.4-5-12](#)

Sec. 4. (a) Whenever a member dies while in active service and is not survived by a qualified spouse but is survived by ~~more than one~~ (1) qualified dependent, the ~~dependents are~~ **dependent is** entitled to ~~an equal share of the monthly monetary~~ benefits determined under the statutory criteria. ~~The benefit amount due shall be calculated by the fund actuaries.~~

(b) Whenever a member dies while in active service and is not survived by a qualified spouse but is survived by **more than one (1) qualified and not dependent**, the qualified dependents

~~(1) only the qualified dependents are entitled to receive a~~ **an equal share of the monthly benefit;**

~~(2) when the member has named both qualified and nonqualified dependents as beneficiaries of the annuity savings account, only the nonqualified dependents are entitled to receive benefits from that account; or~~

~~(3) when the member has named anyone other than the dependents as a beneficiary of the annuity savings~~

~~account, the named beneficiary shall receive the monies so held.~~ **benefits determined under statutory criteria.**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-6-4](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 710; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 35. [550 IAC 2-6-6](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-6-6](#) Dependency test**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-7.5](#); [IC 5-10.2-3-8](#); [IC 5-10.4-5-12](#)

Sec. 6. An individual will be considered dependent for the purpose of this article when claimed by the member for tax purposes under the Internal Revenue Service Code, **provides for the primary support of the individual, or pays support pursuant to a dissolution decree or other support agreement.**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-6-6](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 710; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 36. [550 IAC 2-6-8](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-6-8](#) Death withdrawal**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-2-3](#); [IC 5-10.2-3-7.5](#)

Sec. 8. A check representing the lump sum payment of benefits owed as the result of the death of a member shall include interest up to the date of the check. **paid pursuant to valuations as provided by [IC 5-10.2-2-3](#).**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-6-8](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 710; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 37. [550 IAC 2-6-8.4](#) IS ADDED TO READ AS FOLLOWS:

**[550 IAC 2-6-8.4](#) Survivor benefits after reemployment**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-7.5](#); [IC 5-10.2-4-7](#); [IC 5-10.2-4-10](#)

Sec. 8.4. If a reemployed retired member who would otherwise be eligible for a supplemental retirement benefit as described in [5-10.2-4-10](#) [[IC 5-10.2-4-10](#)] dies while reemployed with a surviving spouse who was married to the member for at least two (2) years, the surviving spouse is entitled to a supplemental survivor benefit equal to the monthly benefit that would have been payable to the spouse under the joint and survivor option of [IC 5-10.2-4-7](#), and in accordance with [IC 5-10.2-4-10](#), upon the member's death following retirement except that the supplemental survivor benefit shall be calculated using only the years of service and salaries earned by the member during the period of reemployment.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-6-8.4](#); adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 38. [550 IAC 2-7-1](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-7-1](#) Application for retirement**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-1](#); [IC 5-10.4-5-8](#)

Sec. 1. (a) Application for retirement will not be processed unless properly completed by the member. ~~and the employing unit.~~

(b) The board may investigate any and all applications.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-7-1](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 711; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 39. [550 IAC 2-7-2](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-7-2](#) Retirement effective date**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-1](#); [IC 5-10.2-4-8](#); [IC 5-10.4-5-8](#)

Sec. 2. (a) A member's retirement shall become effective on the latest of **the first day of**:

- (1) ~~the first day of~~ the month following the last day of compensated service;
- (2) ~~the first day of~~ the month following the date that age, service credit, or disability requirements are met; or
- (3) ~~the first day of~~ any future month requested by the member in writing.

~~Retirement applications will not be accepted more than one (1) year prior to~~

**(b) For the purpose of [IC 5-10.2-4-8\(c\)](#), the ninety (90) day separation requirement counting period begins with the member's retirement effective benefit accrual date.**

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-7-2](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 711; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 40. [550 IAC 2-7-3](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-7-3](#) Proof required to commence monthly benefits**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-4](#); [IC 5-10.2-4-7](#); [IC 5-10.4-5-11](#); [IC 34-28-1](#)

Sec. 3. (a) No retirement benefits shall be paid to a member until the member provides proof of date of birth in any one (1) of the following forms:

- (1) A birth certificate **or registration** from the public health department ~~where the birth was recorded.~~ **or other governmental entity.**
- (2) A court decree obtained under ~~[IC 34-4-3](#)~~ [IC 34-28-1](#) and certified by the clerk of the court.
- (3) Other evidence relating to the member's date of birth may be submitted, and the board shall fix a date based thereon.

(b) A member selecting a joint and survivor retirement option shall also provide evidence of the date of birth of the cosurvivor.

(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-7-3](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 711; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))

SECTION 41. [550 IAC 2-7-5](#) IS AMENDED TO READ AS FOLLOWS:



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**550 IAC 2-7-5 Distributions to minors and incompetent persons**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-3-7.5](#); [IC 5-10.2-3-8](#); [IC 5-10.2-4-7](#); [IC 5-10.4-5-11](#); [IC 5-10.4-5-12](#)

Sec. 5. (a) Minor beneficiaries may not receive benefits until a court appointed guardian has filed certified proof of appointment with the fund.

~~(b) Members or beneficiaries adjudged incompetent may not receive benefits until the fund has been provided with certified guardianship papers or a copy of a properly executed durable power of attorney.~~ **Distributions to or on behalf of minors and other incompetent beneficiaries are governed by Indiana guardianship law set forth in the Indiana Probate Code. However, payments may be made to minor beneficiaries pursuant to the Indiana Uniform Transfers to Minors Act.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-7-5](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 711; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 42. [550 IAC 2-7-7](#) IS AMENDED TO READ AS FOLLOWS:

**550 IAC 2-7-7 Death while receiving benefit under five year guarantee option**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-2](#); [IC 5-10.2-4-8.2](#)

Sec. 7. (a) **Except as provided in subsection (b)**, if a member who selected the five (5) year guarantee retirement option dies prior to the end of the five (5) year period, the remaining payments shall be paid to the beneficiary or the member's estate in a lump sum after being actuarially reduced for early payment.

**(b) If a member makes an election under [IC 5-10.2-4-8.2\(b\)\(2\)](#) and selects the five (5) year guarantee retirement option, the beneficiary is entitled to the remaining payments as described in subsection (a), less the amount of retroactive retirement benefits paid to the member as a result of such selection, if any.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-7-7](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 712; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 43. [550 IAC 2-8-1](#) IS AMENDED TO READ AS FOLLOWS:

**550 IAC 2-8-1 Termination of retirement benefits after reemployment**

Authority: [IC 5-10.4-3-6](#)

Affected: [IC 5-10.2-4-8](#); [IC 5-10.4-5-13](#)

Sec. 1. (a) In case of reemployment after retirement **by the members covered by [IC 5-10.2-4-8](#)**, benefits shall cease the day following the date on which the exempt amount is exceeded.

~~(b) Benefits shall cease~~ **be reinstated beginning** the first day of compensated service ~~when a retired the next fiscal year if the member signs a uniform or supplemental teaching contract pursuant to which the member earns a basic salary in excess of the~~ **is retired from a TRF covered position and continue until the day following the date on which the exempt amount is exceeded and so on until the member terminates covered employment.**

(c) The member shall notify the fund upon returning to covered employment.

**(d) The fund may offset any overpayment of benefits due to reemployment by withholding benefit**



**payments and crediting them to the fund until the overpayment is recovered by the fund.**

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-8-1](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 712; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 44. [550 IAC 2-9-1](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-9-1](#) Classroom disability benefits**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-4-1](#); [IC 5-10.4-5-2](#)

Sec. 1. (a) A member seeking benefits due to ~~regular~~ **classroom** disability may offer medical evaluations and assessments by physicians who have not been approved by the board. This evidence need not be viewed with the same weight as that generated by board selected physicians unless reviewed and affirmed by the same.

(b) A member may submit the name and credentials of a physician for board approval.

(c) A member's continuing eligibility for ~~regular~~ **classroom** disability benefits shall be reviewed on an annual basis.

(d) A member who remains disabled until eligible for retirement may retire under the requirements of [IC 5-10.2-4-1](#). The retirement calculation will not include service credit for the years during which ~~regular~~ **classroom** disability benefits were received unless the member has at least twenty-seven (27) years of creditable service.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-9-1](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 712; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 45. [550 IAC 2-9-2](#) IS AMENDED TO READ AS FOLLOWS:

**[550 IAC 2-9-2](#) Disability retirement**

**Authority:** [IC 5-10.4-3-6](#)

**Affected:** [IC 5-10.2-4-6](#); [IC 5-10.4-5-1](#)

Sec. 2. (a) In order to receive disability retirement benefits, a member must have been employed under a uniform or supplemental contract ~~and receiving compensation from an employing unit~~ **or on a leave approved by the school board** on the disability onset date as determined by the Social Security Administration.

(b) A member seeking or receiving disability retirement benefits may execute a waiver authorizing the Social Security Administration to annually release to the fund information regarding the member's eligibility to continue receiving Social Security disability insurance payments.

*(Board of Trustees of the Indiana State Teachers' Retirement Fund; [550 IAC 2-9-2](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 712; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#))*

SECTION 46. THE FOLLOWING ARE REPEALED: [550 IAC 2-1-9](#); [550 IAC 2-4-3](#); [550 IAC 2-5-11](#); [550 IAC 2-6-3](#); [550 IAC 2-7-6](#); [550 IAC 2-8-2](#).

DATED: March 27, 2007

Signed: Don Bennett  
President of the Board of Trustees

Resolution adopted by 4 affirmative and 0 negative votes.

*Posted: 04/04/2007 by Legislative Services Agency*  
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